

# **Pre-decision scrutiny of the forthcoming Cabinet decision on 'Review of the Full Business Case for the Shirehall as a location for the future of Hereford City Library'**

**Meeting: Connected Communities Scrutiny Committee**

**Meeting date: 23 October 2023**

**Report by: Statutory Scrutiny Officer**

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

Central

## **Purpose**

To scrutinise both the full business case for Shirehall as a location for the Hereford Library and Learning Centre (HLLC) and the full business case for the HLLC at Maylord Orchards.

The executive report on 'Review of the Full Business Case for the Shirehall as a location for the future of Hereford City Library', published on 18 October 2023 and due to be considered by Cabinet on 26 October 2023, is appended to this report.

## **Recommendation(s)**

**That the committee determine any recommendations it wishes to make to the executive for consideration.**

## **Alternative options**

1. There are no alternative options. Making recommendations on a forthcoming key decision under the constitution is set out in the scrutiny rules and described as pre-decision call in. It provides the committee with the power to examine the issues around the decision to be taken.
2. Having reviewed the documents and sought clarification of any issues from the Cabinet Member and supporting officers the committee may, having regard to the principles of good decision making either:

- i. Determine to support the proposed recommendation to Cabinet; or
- ii. Determine recommendations to the executive to consider specific additional information or actions to inform their decision-making.

## Key considerations

3. At its meeting on 19 July 2023, 'Pre-decision scrutiny of the forthcoming Cabinet decision on Review of New Hereford Library and Learning Resource Centre Location' was undertaken by the Connected Communities Scrutiny Committee; the minutes of the meeting are available in the main agenda pack for 23 October 2023 or via this [link to the scrutiny committee minute](#).
4. The scrutiny committee agreed the following resolution:  
  
'Resolved: That it be recommended to the executive that:
  - a) Recommendations a) and b) in the Cabinet report be removed and the Maylords project paused rather than cancelled, pending the provision of a full business case for the Shirehall option, to ensure that the full capital and revenue cost implications are worked out, and to enable proper comparison of the two options, thus ensuring that adequate information is available to inform a decision that carries significant financial risks.
  - b) Detailed consideration is given in the full business case for the proposed Shirehall development in relation to:
    - Decarbonisation of the Shirehall, in line with the council's existing commitment to become net zero carbon by 2030;
    - Clarifying the potential for expanding and enhancing the services provided, including providing indicative costings and indicating potential funding sources; and
    - Identifying and addressing potential impacts of any expanded and enhanced facilities and services, such as performance space, on commercial operators offering similar services to those envisaged at the Shirehall.
  - c) The full business case addresses all of the 'Criteria for Review' points identified in the 'Scope of Review of New Hereford Library and Learning Resource Centre Location', with particular attention to ensuring that the criteria on Value for Money and Financial Viability are given adequate attention, given the concerning lack of information on these aspects in the report before Cabinet on 20 July 2023.
  - d) Scrutiny is supported to ensure that the full evidence base underpinning future reports, especially financial information, is published in sufficient time; and that requests for information from scrutiny committee members are responded to in good time.
  - e) An adequate Equality Impact Assessment (EIA) is produced in respect of the potential decision to terminate the Maylord Orchards capital project.'
5. At its meeting on 20 July 2023, 'Review of New Hereford Library and Learning Resource Centre Location' was considered by Cabinet; the minute is available via this [link to the Cabinet minute](#).
6. Having taken into consideration of the views of a Political Group Consultation, the recommendations from the scrutiny committee, and the points raised during the meeting, Cabinet resolved:

'It was unanimously resolved that:

- a) Cabinet agree that following the strategic review conducted the preferred new location of the Library and Learning Centre is the Shirehall;
  - b) The decision to relocate the Library and Learning Centre to the Maylord Orchards site is paused during the development of a Full Business Case for the Shirehall proposal;
  - c) A full business case for the Shirehall development to be progressed (to include the library works and all enabling works) and reported back to Cabinet in October 2023 where these will be considered against existing plans for Maylord Orchards; and
  - d) Delegated authority is given to the Corporate Director for Community Wellbeing in consultation with the Cabinet Member for Community Services and Assets to take all operational decisions (within a to c above) and as is necessary to develop the Full Business Case, and to submit the Project Adjustment Request to the Hereford Towns Board and the Department for Levelling Up Housing and Communities (DLUHC), if required.'
7. The Connected Communities Scrutiny Committee has identified 'Review of the Full Business Case for the Shirehall as a location for the future of Hereford City Library' as a forthcoming decision on the Forward Plan as being relevant to the remit of its committee. It is intended that the committee exercise its right to undertake pre-decision scrutiny of this Cabinet decision in advance of it being taken.
8. The Cabinet report is included as Appendix A, enabling the committee to consider the same evidence base to be considered by Cabinet at its meeting on 26 October 2023.
9. In undertaking pre-decision scrutiny, the committee will wish to be assured that the decision is being taken in accordance with the principles of good decision-making. When the council takes a decision it will:
- a) be clear about what the council wants to happen, how it will be achieved, who is accountable for the decision and who is accountable for implementing it and monitoring implementation;
  - b) consult properly and have regard to the professional advice from its officers;
  - c) have regard to the public sector equality duty and respect for natural justice and human rights;
  - d) make the decision public unless there are good reasons for it not to be;
  - e) give due weight to all material considerations, only take relevant matters into account, and make sure the action is proportionate to what the council wants to happen;
  - f) explain what options were considered and give the reasons for the decision; and
  - g) follow proper procedures.

## **Community impact**

10. In accordance with the code of corporate governance, Herefordshire Council achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions. Determining the right mix of these is an important strategic choice to make to ensure intended outcomes are achieved. The council needs robust decision-making mechanisms to ensure our

outcomes can be achieved in a way that provides the best use of resources while still enable efficient and effective operations.

11. The council is committed to promoting a positive working culture that accepts, encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision-making, policy development, and review.

### **Environmental impact**

12. Whilst this is a standard meeting and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the council's Environmental Policy. For example, enabling hybrid attendance and live streaming at committee meetings which in turn may provide a reduced need for some participants to travel to council meetings.
13. The environmental impact section of the appended Cabinet report has set out the actions and measures the council will seek to undertake in considering their decision. The committee is able to make any additional environmental impact suggestions or recommendations it may so wish.

### **Equality duty**

14. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
15. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.
  16. The equality duty section of the appended Cabinet report has set out the actions and measures the council will seek to undertake in considering their decision. The committee is able to make any additional equality duty suggestions or recommendations it may so wish.

### **Resource implications**

17. None associated with any scrutinising the Cabinet's forthcoming decision. However if there are any resource implications associated with any recommendations determined by this committee the executive will have to respond to these.

### **Legal implications**

18. Overview and scrutiny committees were established by the Local Government Act 2000 ("The Act"). As set out in the council's constitution reflecting section 9F 2 (b) of the Act the scrutiny

committee has the power to make recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive.

19. The effect of undertaking this function are as follows:
- i. The committee may require members of the executive, other members or other persons and officers of the council, to attend before it to answer questions.
  - ii. The executive are under duty to consider and respond to any recommendations and provide a written response.
  - iii. Where the scrutiny committee has called-in a key decision before its due date, the decision cannot be called-in again after the decision has been taken unless there have been material changes to the decision that were not recommended by the scrutiny committee.

### **Risk management**

20. None in relation to this report; scrutiny is a key element of accountable decision making and may make recommendations to the executive with a view to strengthening mitigation of any risks associated with the proposed decision.

### **Consultees**

21. None in relation to this covering report. However, consultation undertaken as part of the forthcoming Cabinet decision is outlined in the appended Cabinet report.

### **Appendices**

- Appendix A Appendix A - Extract from the agenda pack for Cabinet, item 7, 'Review of the Full Business Case for the Shirehall as a location for the future of Hereford City Library'

### **Background papers**

22. None.